

CONTENTS

Issue Number 1

ARTICLES

- The Vocabulary of Negligence Law: Continuing Causation
Confusion
David W. Robertson 1
- Cats or Gardens: Which Metaphor Explains Negligence? Or,
Is Simplicity Simpler Than Flexibility?
Thomas C. Galligan, Jr. 35
- Taxation of Community Income: It is Time for Congress to
Override *Poe v. Seaborn*
Susan Kalinka 73
- Judicial Lawmaking in a Code Jurisdiction: A French Saga on
Certainty of Price in Contract Law
Edward A. Tomlinson 101
- Express Federal Preemption Provisions, State Law Actions for
Damages, Congress, and the Supreme Court: A Penitent
Seeks Redemption
David E. Seidelson 145
- The Contribution Bar in CERCLA Settlements and Its Effect on
the Liability of Nonsettlers
J. Whitney Pesnell 167

COMMENTS

- Recovery for Increased Risk of Disease in Louisiana
Keith W. Lapeze 249
- Waiting by the Phone: Why Telephone Number Mnemonics Warrant
Trademark Protection
J. Michael Monahan 281
- What You Earn is Yours, but You are Jointly and Severally Liable
for His: A Proportionate Liability Proposal for Federal Income
Taxes
John Allain Viator 309

NOTES

- Smith v. State of Louisiana, Department of Health and Hospitals:*
Loss Chance of Survival: The Valuation Debate
Dionne R. Carney 339
- Whren v. United States:* The Constitutionality of Pretextual Stops
Geoffrey S. Kay 369

Issue Number 2

ARTICLES

- Ruminations: Mandates in the Louisiana Constitution of 1974;
How Did They Fare?
Lee Hargrave 389
- The Legal System: Defective Product or Sign of the Times
Frank L. Maraist and
Thomas C. Galligan, Jr. 411
- "FATHER CHIEF JUSTICE": E.D. White and the Constitution,
A Play
Paul R. Baier 423

- Comparativist Ruminations from the Bayou on Child Custody
Jurisdiction: The UCCJA, the PKPA, and the Hague
Convention on Child Abduction
Christopher L. Blakesley 449
- Ethics v. Professionalism and the Louisiana Supreme Court
N. Gregory Smith 539
- Ruminations on the Louisiana Private Works Act
Michael H. Rubin 569
- Ruminations on Property of the Estate—Does Anyone Know
Why a Debtor's Postpetition Earnings, Generated by Her
Own Earning Capacity, Are Not Property of the
Bankruptcy Estate?
*Louis M. Phillips and
Tanya Martinez Shively* 623

NOTE

- Castano v. American Tobacco Company*: America's Nicotine
Plaintiffs Have No Class
Michael H. Pinkerton 647

Issue Number 3

ARTICLES

- American Mutual Mistake: Half-Civilian Mongrel, Consideration
Reincarnate
Val D. Ricks 663
- Closing the Circle: Taxing Business Transformations
Daniel M. Schneider 749

Louisiana State Taxation of Qualified Subchapter S Subsidiaries: A Proposal	<i>Susan Kalinka</i>	815
Synthesis of Louisiana Law on Spoliation of Evidence— Compared to the Rest of the Country, Did We Handle It Correctly?	<i>Maria A. Losavio</i>	837
The 1997 Spousal Support Act	<i>Kenneth Rigby</i>	887
The Louisiana Class Action	<i>Charles S. McCowan, Jr. and Calvin C. Fayard, Jr.</i>	953
Dissents in Louisiana: Civility Among Civilians?	<i>C.A. Marvin</i>	975
Tribute to Senator Russell B. Long	<i>Frank J. Polozola</i>	991

Issue Number 4

ARTICLES

ERISA Preemption: To Infinity and Beyond and Back Again? (A Historical Review of Supreme Court Jurisprudence)	<i>Howard Shapiro René E. Thorne Edward F. Harold</i>	997
The New Louisiana Employment Statutes: What Hath the Legislature Wrought	<i>Gerald J. "Jerry" Huffman, Jr.</i>	1033

Machinists Preemption Under the NLRA: A Powerful Tool to
Protect an Employer's Freedom to Bargain

Robert Rachal 1065

Certification of Class Actions in Louisiana

Kent A. Lambert 1085

COMMENTS

The Tug-of-War with Employment Information: Does Louisiana
Revised Statutes 23:291 Really Help Employers Stay Out of the
Mud?

Jennifer L. Aaron 1131

Louisiana's "Megan's Law": The Need for a Principled Approach

Hilliard "Trey" Kelly 1169

Louisiana's Equal Protection Guarantee: Questions About the
Supreme Court Decision Prohibiting Affirmative Action

Mary Anne Wolf 1209

NOTES

Watkins v. Freeway Motors—A Need to Clarify the Principle of
Novation

Jason P. Bergeron 1241

What's the Matter with *Zedda*?: Problems with the Analysis of
What Constitutes an Avoidable Interest of the Debtor in
Property

Brandon A. Brown 1259

Saratoga Fishing Co. v. J.M. Martinac & Co.: Charting the Course
of "Other Property" in Products Liability Law

Chadwick J. Mollere 1281



